

EN

***Case No COMP/M.6797 -
PVH / THE WARNACO
GROUP***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 29/01/2013

***In electronic form on the EUR-Lex website under document
number 32013M6797***



EUROPEAN COMMISSION

Brussels, 29.1.2013
C(2013) 569 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.6797 - PVH / THE WARNACO GROUP
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹**

1. On 3 January 2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Wand Acquisition Corp (USA), a wholly owned subsidiary of PVH Corp. ("PVH", USA) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of The Warnaco Group, Inc. ("Warnaco", USA) by way of purchase of shares.²
2. The business activities of the undertakings concerned are:
 - for PVH: design and commercialisation (primarily through wholesale distribution) of apparel, footwear and related accessories under a number of owned and licensed brands, including inter alia Calvin Klein, Tommy Hilfiger, IZOD, Van Heusen, ARROW, Bass, Geoffrey Beene, Chaps, Kenneth Cole New York, MICHAEL Michael Kors, Sean John and Donald J. Trump Signature Collection,

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² Publication in the Official Journal of the European Union No C 5, 10.1.2013, p. 4.

- for Warnaco: design and commercialisation of intimate apparel, sportswear, jeanswear and swimwear products under a number of owned and licensed brands, including inter alia Warner's, Olga, Calvin Klein, Chaps and Speedo.
- 3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(c)i and (c)ii of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.³
- 4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission

(signed)

Alexander ITALIANER

Director-General

³ OJ C 56, 5.3.2005, p. 32.